

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

ANGEL IRVIN, Individually and as  
Next Friend of MCKAYLA IRVIN  
and DAVID IRVIN

V.

CLIFFORD SMITH and  
UNITED PARCEL SERVICE, INC.

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CIVIL ACTION NO:

1:17-cv-00824

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendants, **CLIFFORD SMITH and UNITED PARCEL SERVICE, INC.**, hereby removes this action to the United States District Court for the Western District of Texas from the 201<sup>st</sup> Judicial District Court of Travis County, Texas, stating as follows:

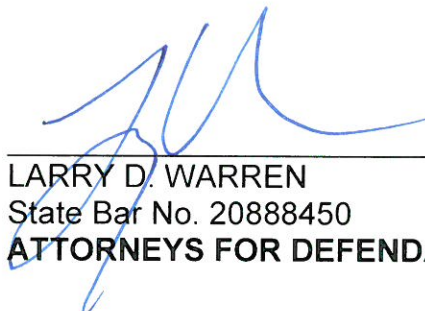
1. Plaintiff, Angel Irvin, Individually and as Next Friend of Mckayla Irvin and David Irvin commenced this action in the 201<sup>st</sup> Judicial District Court of Travis County, Texas, where it was given Cause No. D-1-GN-17-003504. This action is between citizens of different states. Plaintiff is a resident of Texas. Defendant, Clifford Smith is a resident of the State of Colorado. Further, Plaintiff claims damages for serious personal injury and is seeking damages of \$1,000,000. Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332.

2. Defendants, United Parcel Services, Inc. and Clifford Smith received the summons and complaint on July 27, 2017, so this removal is timely under 28 U.S.C. § 1446(b).

3. A copy of all process, pleadings, and orders served upon Defendant(s) is attached as Exhibit A.
4. Defendant has provided written notice of this Notice of Removal to all adverse parties and has filed a copy with the Clerk of the 201st Judicial District Court of Travis County, Texas.
5. Defendants consent to the removal.

Dated: August 25, 2017

Respectfully submitted,



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LARRY D. WARREN  
State Bar No. 20888450  
**ATTORNEYS FOR DEFENDANTS**

OF COUNSEL:

NAMAN HOWELL SMITH & LEE, PLLC  
10001 Reunion Place, Suite 600  
San Antonio, Texas 78216  
Telephone: (210) 731-6350  
Facsimile: (210) 785-2950  
[lwarren@namanhowell.com](mailto:lwarren@namanhowell.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of August 2017, the foregoing was filed with the Clerk of Court using the CM/ECF system, and was served on counsel ***Via Facsimile:***

Scott R. Crivelli  
State Bar No.: 24081713  
THE CARLSON LAW FIRM, P.C.  
100 East Central Texas Expressway  
Killeen, Texas 76541  
Telephone: (254) 526-5688  
Facsimile: (254) 526-8204  
[scrivelli@carlsonattorneys.com](mailto:scrivelli@carlsonattorneys.com)  
**ATTORNEYS FOR PLAINTIFF**



LARRY D. WARREN